

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

SHERRI L. DAVIS, et al.,

Plaintiff,

VS.

TMA FOREST PRODUCTS GROUP, etc., et al.,

Defendants

CASE NO. 2:06-cv-187-WKW-SRW

**DEFENDANT PACTIV CORPORATION’S RULE 12(B)(6) MOTION TO DISMISS AND
RULE 12(E) MOTION FOR A MORE DEFINITE STATEMENT**

Defendant Pactiv Corporation (“Pactiv”), by its attorneys and pursuant to Federal Rule of Civil Procedure 12(b)(6), hereby moves to dismiss the Complaint for failure to state a claim upon which relief can be granted. In the alternative, if Counts 3, 6, and/or 9 of the Complaint are not dismissed, Pactiv moves pursuant to Federal Rule of Civil Procedure 12(e) for a more definitive statement of those claims. In support of its motion, Pactiv files herewith a memorandum of law.

Dated: March 22, 2006

By: **s/ John A. Earnhardt**
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CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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